

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION
[*Electronically Filed*]

CERTAIN UNDERWRITERS AT)
LLOYD'S, LONDON, WHO SUBSCRIBE TO)
CERTIFICATE NO. IRPI-AML-22-055,)
)
)
Plaintiffs,)
)
v.) Case No. 23-cv-310-PPS-APR
)
)
)
CATER TRANSPORT SERVICES, LLC;)
CATER TRANSPORT, LLC;)
CATER TRANSPORTATION SERVICES, LLC;)
CATER LOGISTICS, LLC)
BRIAN HALASCHAK;)
JACK GRAY TRANSPORT, INC.;)
JACK GRAY TRANSPORTATION)
 SERVICES, INC.;)
JACK GRAY LOGISTICS NETWORK, INC.;)
and LAKES & RIVERS LOGISTICS, INC.,)
)
Defendants.)

VERIFIED MOTION FOR DEFAULT JUDGMENT
AS TO DEFENDANT BRIAN HALASCHAK

Plaintiffs, Certain Underwriters at Lloyd's, London, Who Subscribe to Certificate No. IRPI-AML-22-055 (collectively "Underwriters"), by and through their undersigned counsel, pursuant to FRCP 55(B), respectfully move the Court for default judgment against Defendant, Brian Halaschak. As grounds for this Motion, Underwriters state as follows:

1. Underwriters initiated this action seeking a declaratory judgment holding that the insurance policy in question, issued to Defendant Cater Transport Services, LLC, does not provide a duty to defend or indemnify Defendants Cater Transport Services, LLC, Cater Transport LLC, Cater Logistics, LLC, Cater Transportation Services, LLC, or Brian Halaschak with respect to

claims asserted against them by Defendants Jack Gray Transport, Inc., Jack Gray Transportation Services, Inc.; Jack Gray Logistics Network, Inc., and Lakes & Rivers Logistics, Inc. in a civil action pending in Porter County, Indiana, Superior Court No. 5, styled *Jack Gray Transport, Inc., et al. v. Cater Transport, LLC, et al.*, under Cause No. 64D05-2305-CT-004060. [ECF No. 1].

2. Underwriter's Complaint for Declaratory Judgment was filed on September 15, 2023. [ECF No. 1].

3. Underwrites does not seek damages from any defendant. [ECF No. 1].

4. A summons and copy of the Complaint were personally served on Mr. Halaschak by a process server on January 9, 2024. [ECF No. 29].

5. More than twenty days, excluding the date of service, has elapsed since the Complaint was served upon Mr. Halaschak

6. As of the date of the filing of this Motion, Mr. Halaschak has failed to plead or otherwise defend this action as required by the Federal Rules of Civil Procedure.

7. On February 6, 2024, the Clerk of the Court entered default against Mr. Halaschak. [ECF No. 35].

8. As shown by the attached affidavit of undersigned counsel [Exhibit A], Mr. Halaschak is not an infant or an incompetent person and he is not currently in military services.

WHEREFORE, the Plaintiff, Certain Underwriters at Lloyd's, London, Who Subscribe to Certificate No. IRPI-AML-22-055, by counsel, pray this Court enter judgment by default in favor of Underwriters against Defendant Brian Halaschak.

I affirm under the penalties of perjury that the foregoing statements are true and accurate.

/s/ Katherine E. Tapp
Katherine E. Tapp, Attorney No. 35386-22

DATED: February 23, 2024.

Respectfully submitted,

**WILSON ELSER MOSKOWITZ EDELMAN &
DICKER LLP**

/s/ Katherine E. Tapp

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Counsel for Plaintiffs

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on February 23, 2024, the foregoing Motion for Default was filed with the Clerk of the Court using the CM/ECF system and served on the following counsel of record:

John P. Reed
ABRAHAMSON, REED & BILSE
8230 Hohman Avenue
Munster, Indiana 46321
Counsel for Cater Defendants

Paul D. Root

Andrew F. Marquis
SCOPELITIS GARVIN LIGHT HANSON & GEARY, PC
10 West Market Street, Suite 1400
Indianapolis, Indiana 46204
*Counsel for Jack Gray Transport, Inc., Jack
Gray Transportation Services, Inc., Jack
Gray Logistics Network, Inc., and Lakes & Rivers
Logistics, Inc.*

The undersigned hereby further certifies that on February 23, 2024, a copy the foregoing Motion for Default was sent, by U.S. Mail First Class, postage prepaid, to the following unrepresented party:

Brian Halaschak
3900 Winter Lane
Valparaiso, Indiana 46385

/s/ Katherine E. Tapp
Katherine E. Tapp, Attorney No. 35386-22